

Application No.: 10/820925
Docket No.: AD6873USCIP

SEP 06 2006

Page 4

REMARKS

Claims 1-7 have been amended to claim specific packaging embodiments of the invention. Support for the amendments is found in the specification in paragraphs [0078]-[0083] of the examples and in paragraphs [0022], [0026], [0039] and the claims as originally filed. Therefore, the amendments introduce no new matter into the application.

Claims 1-7, all the claims currently pending, stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3 stand rejected under 35 U.S.C. § 102(b) and Claims 1-3, 5 and 7 stand rejected under 102(e). Claims 1-7 also stand rejected on the basis of double patenting as unpatentable over the claims of U.S. Patent 6,906,140. Reconsideration is requested for the reasons set forth below.

Rejection Under 35 U.S.C. § 112

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph. It is stated in the Office Action that the term "retortable" is not defined in the specification nor can it be found in several dictionaries. Applicants have amended Claims 1-7 and the term "retortable" does not appear in the amended claims. It is therefore respectfully requested that the rejection under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5 and 7 stand rejected as anticipated by U.S. Patent No. 6,433,088, issued to Saraf (hereinafter "Saraf") under 35 U.S.C. § 102(e). Claims 1-3 stand rejected as anticipated by U.S. Patent No. 5,468,259, issued to Sheth et al. (hereinafter "Sheth") under 35 U.S.C. § 102(b).

These are the sole substantive reasons set forth in the Official Action why the present claims should not be allowed. Applicants respectfully submit that these rejections are rendered moot by the amendments presented herein.

First, Saraf and Sheth describe printable films and dyeable fibers, respectively. Blending and grafting with ethylene alkyl acrylate copolymer increase the hydrophilicity of the polypropylene copolymer, thus improving its properties for accepting printing inks and dyes. Applicants' invention, however, is a pouch or lidded package having a particular sealant composition. Neither Saraf nor Sheth teaches or suggests that the compositions they describe may be used as sealants, particularly in the articles as presently claimed. Moreover, Applicants are unaware of any correlation between polymer hydrophilicity and sealing properties. Therefore, it

Application No.: 10/820925
Docket No.: AD6873USCIP

Page 5

cannot be said that the cited references are enabling, because they have not placed Applicants' invention in the possession of the public.

Applicants note that neither Saraf nor Sheth includes any teaching or suggestion regarding the melting point of the polypropylene copolymers they describe.

Accordingly, Applicants submit that claims 1-3, 5 and 7 are not anticipated by Saraf or Sheth. Therefore, Applicants respectfully request that these rejections be withdrawn upon reconsideration.

Double Patenting

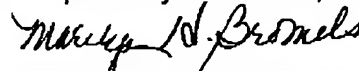
Claims 1-7 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,906,140. Attached herewith is a terminal disclaimer which serves to overcome this rejection. It is therefore respectfully requested that the rejection be withdrawn. Please charge the \$130.00 applicable fee under 37 CFR 1.20(d) to Deposit Account 04-1928 (E. I. du Pont de Nemours and Company). If this fee is insufficient or incorrect, please charge or credit the balance to the above-identified account.

Conclusion

In view of the above remarks and amendments, it is felt that all claims are now in condition for allowance, and such action is respectfully requested. Should the Examiner believe that an interview or other action in Applicants' behalf would expedite prosecution of the application, the Examiner is urged to contact Applicants' attorney by telephone at (302) 992-2041.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



MARILYN H. BROMELS
ATTORNEY FOR APPLICANTS
Registration No.: 35,080
Telephone: (302) 992-2041
Facsimile: (302) 992-3257

Dated: September 06, 2006